

**NOT SCHEDULED FOR ORAL ARGUMENT**  
**IN THE UNITED STATES COURT OF APPEALS**  
**FOR THE D.C. CIRCUIT**

AMERICAN WATER WORKS  
ASSOCIATION, et al.,

*Petitioners,*

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY and LEE M. ZELDIN, Administrator  
of the U.S. Environmental Protection Agency,

*Respondents.*

Case No. 24-1188 and  
consolidated cases

**MOTION TO GOVERN FUTURE PROCEEDINGS**

Respondents United States Environmental Protection Agency and Administrator Lee M. Zeldin (“EPA”) respectfully move the Court to remove these consolidated cases from abeyance and issue an order directing the parties to submit by August 1, 2025, their proposal(s) for a schedule and format for completion of briefing.

Counsel for EPA conferred with counsel for the other parties in these consolidated cases. Respondent-Intervenors and the Petitioners in Case Nos. 24-1188 and 24-1191 represented that they do not oppose this motion. Petitioners in Case No. 24-1192 take no position. In support of this motion, EPA states as follows:

1. Petitioners seek review of an EPA action entitled, “PFAS National Primary Drinking Water Regulation,” 89 Fed. Reg. 32532 (April 26, 2024) (“Rule”). The Rule establishes National Primary Drinking Water Regulations for PFOS and PFOA, two contaminants in a class of compounds known as per- and polyfluoroalkyl substances (“PFAS”). The Rule also sets forth regulatory determinations and establishes National Primary Drinking Water Regulations for three additional PFAS compounds—PFHxS, PFNA, and HFPO-DA—as well as mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and/or PFBS.

2. Petitioners filed their opening briefs on October 7, 2024; Amici on behalf of Petitioners filed their brief on October 29, 2024; Respondents filed their brief on December 23, 2024; Respondent-Intervenors filed their brief on January 17, 2025; and Amici on behalf of Respondents filed their briefs on January 17, 2025. Petitioners have not yet filed reply briefs. Oral argument has not yet been scheduled.

3. On February 7, 2025, the Court granted EPA’s unopposed motion for a 60-day abeyance of proceedings in this matter and directed EPA to file a motion to govern future proceedings by April 8, 2025. ECF No. 2099658.

4. Since that time, the Court has granted three unopposed motions by EPA to continue the abeyance in this case in order to provide additional time for EPA to review the issues presented by the Rule, to finalize EPA’s plans with

respect to the Rule, and to determine how to proceed in this litigation. *See* ECF Nos. 2109880, 2110289, 2115469, 2115832, 2119087, 2119400. In its most recent order continuing the abeyance in this case, the Court directed EPA to file a motion to govern future proceedings by July 21, 2025. ECF No. 2119400.

5. EPA announced its planned actions with respect to the challenged Rule on May 14, 2025. *See* <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>. In that announcement, EPA stated that it intends to retain the Rule's current National Primary Drinking Water Regulations for PFOS and PFOA. Separately, EPA intends to develop a rulemaking to provide additional time for compliance with the standards for PFOS and PFOA, including a proposal to extend the compliance date to 2031. *Id.* EPA plans to issue a proposed rule this fall and finalize this rule in the Spring of 2026. *Id.* EPA also announced that it intends to rescind the Rule's National Primary Drinking Water Regulations for PFHxS, PFNA, HFPO-DA, and mixtures containing two of more of those compounds and/or PFBS, and to reconsider the regulatory determinations for those contaminants. *Id.*

6. EPA has conferred with the other parties regarding how to proceed in this litigation in light of EPA's May 14 announcement. Other than Petitioner in Case No. 24-1192, who takes no position on this filing, the parties are in agreement

that this case should be removed from abeyance and that the parties should proceed to complete briefing.

7. The parties are continuing to confer regarding a proposed format and schedule for completion of briefing in these consolidated cases, including an additional filing to be submitted by the United States, but at this time have not reached agreement on a proposal. In order to provide additional time for the parties to negotiate regarding these issues, EPA respectfully requests entry of an order directing the parties to submit their proposed format(s) and schedule(s) for completion of briefing in these consolidated cases by August 1, 2025. The modest additional time requested will allow the parties to attempt to resolve or narrow any differences regarding how to proceed.

8. No party would be prejudiced by the requested relief, and none oppose this motion.

9. For these reasons, the Court should remove these consolidated cases from abeyance and issue an order directing the parties to submit by August 1, 2025, their proposal(s) for a schedule and format for completion of briefing.

Respectfully submitted,

Dated: July 21, 2025

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## **CERTIFICATE OF COMPLIANCE**

This document complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), this document contains 725 words.

This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

Finally, I certify that on July 21, 2025, I electronically filed this document with the Court's CM/ECF system, which will serve each party's counsel of record.

/s/ Andrew D. Knudsen  
ANDREW D. KNUDSEN